

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA, :  
 :  
 PLAINTIFF, :  
 :  
 v. : CIVIL ACTION NO. 2:06cv736-WKW  
 :  
 SEVENTY FOUR THOUSAND SEVEN :  
 HUNDRED (\$74,700) DOLLARS IN :  
 UNITED STATES CURRENCY, :  
 :  
 DEFENDANT. :

MOTION IN LIMINE

Comes now the United States of America (United States), by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, and moves the Court to bar Claimant George Edward Jones, III (Claimant) from testifying at trial of this matter and as grounds therefor states as follows:

1. Claimant was deposed on April 16, 2007. During the deposition Claimant asserted his rights (under the Fifth Amendment to the United States Constitution) against self-incrimination as to all questions of substance. See attached copy of deposition.

2. Claimant had a right to assert his Fifth Amendment privilege when asked to produce documents concerning his income. United States v. Two Parcels of Real Property Located in Russell County, Ala., 92 F.3d 1123, 1129 (11<sup>th</sup> Cir. 1996) (citations omitted). It is well-accepted that a witness' direct testimony can be stricken if she [or he] invokes the fifth amendment on cross-examination to shield that testimony from scrutiny." United States v. Two Parcels Property Located at 2730 Highway 31 Jemison, Chilton County, Ala., 909 F.Supp.

1450, 1456 (M.D.Ala. 1995) (citations omitted).” “A party who asserts the privilege may not convert [it] from the shield against compulsory self-incrimination which it was intended to be into a sword...” Arango v. U.S. Dept. of the Treasury, 115 F.3d 922, 926 (11<sup>th</sup> Cir. 1997) (quoting United States v. Rylander, 460 U.S. 752, 758-59, 103 S.Ct. 1548, 1553, 75 L.Ed.2d 521 (1983); see also United States v. \$110,873.00 in United States Currency, 2004 U.S. Dist. LEXIS 28891, 2004 WL 2359726 (N.D. Ohio Oct. 6, 2004) (“Once invoked in response to a discovery request, a forfeiture claimant cannot testify at trial or oppose the government’s motion for summary judgment through affidavits.” (citation omitted); Pedrina v. Chun, 906 F.Supp. 1377, 1398 (D.Hawaii 1995), aff’d. 97 F.3d 1296 (9<sup>th</sup> Cir. 1996), cert denied, 520 U.S. 1968, 1175 S.Ct. 2441, 138 L.Ed.2d 201 (1997) (“Defendants may not rely on their own testimony or affidavits to support their version of a disputed issue where they have asserted their Fifth Amendment right not to answer questions concerning that very same issue.” (citation omitted); U.S. v. Sixty Thousand Dollars (\$60,000) in U.S. Currency, 763 F.Supp. 909, 914 (E.D.Mich. 1991) (“A defendant may not use the fifth amendment to shield herself from the opposition’s inquiries during discovery only to impale her accusers with surprise testimony at trial.” (citation omitted)).

United States v. One 1991 Chevrolet Corvette, 390 F.Supp.2d 1059, 1063-1064 (S.D.Ala. 2005).

3. Claimant should not be allowed to use this privilege as a sword to attack the United States’ evidence when he did not allow the normal discovery process to proceed. The Court should bar his testimony.

Respectfully submitted this 3<sup>rd</sup> day of October, 2007.

FOR THE UNITED STATES ATTORNEY  
LEURA G. CANARY

/s/John T. Harmon  
John T. Harmon  
Assistant United States Attorney  
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Middle District of Alabama  
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E-mail: [John.Harmon@usdoj.gov](mailto:John.Harmon@usdoj.gov)

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2007, I electronically filed the foregoing Motion in Limine with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Bruce Maddox**.

/s/John T. Harmon  
John T. Harmon  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CIVIL ACTION NUMBER

2:06cv736-WKW

UNITED STATES OF AMERICA,  
GOVERNMENT (S),

vs.

SEVENTY FOUR THOUSAND SEVEN  
HUNDRED (\$74,700) DOLLARS IN  
UNITED STATES CURRENCY,

Defendant (s).

DEPOSITION TESTIMONY OF:

GEORGE JONES

April 16, 2007

2 PM

SELAH M. DRYER, CSR

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 NORTHERN DIVISION

4  
5 CIVIL ACTION NUMBER  
6 2:06cv736-WKW

7  
8 UNITED STATES OF AMERICA,  
9 GOVERNMENT(S),  
10 vs.

11 SEVENTY FOUR THOUSAND SEVEN  
12 HUNDRED (\$74,700) DOLLARS IN  
13 UNITED STATES CURRENCY,  
14 Defendant(s).

15  
16  
17 DEPOSITION TESTIMONY OF:  
18 GEORGE JONES  
19

20  
21 April 16, 2007

22 2 PM

23 SELAH M. DRYER, CSR

1 offered in evidence, or prior thereto.

2 In accordance with Rule  
3 5(d) of the Alabama Rules of Civil Procedure, as  
4 amended, effective May 15, 1988, I, Selah M.  
5 Dryer, am hereby delivering to John T. Harmon,  
6 Esq. the original transcript of the oral  
7 testimony taken April 16, 2007, along with  
8 exhibits.

9 Please be advised that this is the same  
10 and not retained by the Court Reporter, nor  
11 filed with the Court.  
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1 S T I P U L A T I O N

2 IT IS STIPULATED AND AGREED by and  
3 between the parties through their respective  
4 counsel that the deposition of GEORGE JONES, may  
5 be taken before Selah M. Dryer, Notary Public,  
6 State at Large, at the law office(s) of United  
7 States Attorney, One Court Square, Suite 201,  
8 Montgomery, Alabama 36104, on April 16, 2007,  
9 commencing at approximately 2 PM.

10 IT IS FURTHER STIPULATED AND AGREED  
11 that the signature to and the reading of the  
12 deposition by the witness is not waived, the  
13 deposition to have the same force and effect as  
14 if full compliance had been had with all laws  
15 and rules of Court relating to the taking of  
16 depositions.

17 IT IS FURTHER STIPULATED AND AGREED  
18 that it shall not be necessary for any  
19 objections to be made by counsel to any  
20 questions, except as to form or leading  
21 questions, and that counsel for the parties may  
22 make objections and assign grounds at the time  
23 of trial or at the time said deposition is

1 INSTRUCTIONS TO THE WITNESS

2  
3 PLEASE READ YOUR DEPOSITION OVER  
4 CAREFULLY BEFORE YOU SIGN IT. YOU SHOULD MAKE  
5 ALL OF YOUR CHANGES ON THE ATTACHED ERRATA  
6 SHEET. PLEASE DO NOT MARK ON THE ORIGINAL  
7 DEPOSITION.

8 AFTER MAKING ANY CHANGES WHICH YOU HAVE  
9 NOTED ON THE ATTACHED ERRATA SHEET, SIGN YOUR  
10 NAME ON THE ERRATA SHEET AND DATE IT.

11 THEN SIGN YOUR DEPOSITION AT THE END OF  
12 YOUR TESTIMONY IN THE SPACE PROVIDED. YOU ARE  
13 SIGNING IT SUBJECT TO THE CHANGES YOU HAVE MADE  
14 ON THE ERRATA SHEET, WHICH WILL BE ATTACHED TO  
15 THE DEPOSITION.

16 RETURN THE ORIGINAL ERRATA SHEET AND  
17 TRANSCRIPT TO SELAH DRYER COURT REPORTING  
18 SERVICES, 2818 NEWPORT ROAD, MONTGOMERY, ALABAMA  
19 36111.

20 ACCORDING TO RULES OF CIVIL PROCEDURE,  
21 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE YOU  
22 RECEIVED THIS DEPOSITION IN WHICH TO READ, SIGN  
23 AND RETURN YOUR DEPOSITION TO THE ABOVE OFFICE.

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1 IF YOU FAIL TO DO SO, YOU AUTOMATICALLY WAIVE  
2 YOUR RIGHT TO MAKE ANY CORRECTIONS TO YOUR  
3 DEPOSITION.  
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1 SIGNATURE PAGE  
2 OF  
3 GEORGE JONES  
4  
5  
6 I HEREBY ACKNOWLEDGE THAT I HAVE  
7 READ THE FOREGOING DEPOSITION AND THAT THE SAME  
8 IS A TRUE AND CORRECT TRANSCRIPTION OF THE  
9 ANSWERS GIVEN BY ME TO THE QUESTIONS PROPOUNDED,  
10 EXCEPT FOR THE CHANGES, IF ANY, NOTED ON THE  
11 ATTACHED ERRATA SHEET.  
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20 SIGNATURE: \_\_\_\_\_  
21  
22 DATE: \_\_\_\_\_  
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## A P P E A R A N C E S

## FOR THE GOVERNMENT(S):

John T. Harmon,  
Assistant United States Attorney  
OFFICE OF THE UNITED STATES  
ATTORNEY MIDDLE DISTRICT OF ALABAMA  
One Court Square  
Suite 201  
Montgomery, Alabama 36104

## FOR THE DEFENDANT(S):

Bruce Maddox, Esq.  
6728 Taylor Court  
Montgomery, Alabama 36117

Amendment Privilege by George Jones says I am currently charged in a criminal case in the Circuit Court of Montgomery County relating to the facts surrounding this case. This forfeiture case is also a punitive action. Because an answer, partial answer, or statement taken out of context may affect my rights under the Fifth Amendment or otherwise might tend to incriminate me, I respectfully choose to rely on those rights and decline to answer that question. And we will for purposes for this deposition simply say Fifth or Fifth Amendment and we will refer to that statement in its entirety by doing so.

MR. HARMON: I agree with that. That will shorten things and a good way to do that.

MR. MADDOX: Yes.

MR. HARMON: I'm assuming you will let Mr. Jones answer some preliminary questions like name and address, and things like that.

MR. MADDOX: Sure.

I, Selah M. Dryer, a Notary Public for the State of Alabama at Large, acting as Commissioner, certify that on this date, pursuant to the Alabama Rules of Civil Procedure, and the foregoing stipulation of counsel, there came before me at the law office(s) of United States Attorney, One Court Square, Suite 201, Montgomery, Alabama 36104, commencing at approximately 2 PM on April 16, 2007, GEORGE JONES, witness in the above cause, for oral examination, whereupon the following proceedings were had:

GEORGE JONES,  
being first duly sworn, was examined and testified as follows:

COURT REPORTER: Usual stipulations?

MR. MADDOX: No, read and sign. When we say Fifth Amendment this document that I have given a copy to the court reporter which is styled essentially Assertion of Fifth

## EXAMINATION BY MR. HARMON:

Q. Sir, will you state your name, please.

A. George Edward Jones.

Q. Mr. Jones, my name is John Harmon, I haven't introduced myself yet. I'm Assistant US Attorney and I represent the United States in this case, which is United States of America versus Seventy Four Thousand Seven Hundred Dollars and it is Court Number 2:06cv736-WKW. I'll ask you, sir, are you the same George Jones that filed a claim and answer in this case?

A. Yes.

Q. I believe it showed you as being George Jones, Junior. Are you a Junior?

A. Third.

Q. You are a third?

A. Yes.

MR. MADDOX: You are doing good.

MR. HARMON: What?

MR. MADDOX: He can't see me to see -- you will see me doing that sometimes.

13

MR. HARMON: I understand.

Q. (Mr. Harmon) The reason I was

asking that, Mr. Jones, was your claim says my name is George E. Jones, Jr. But in fact even though you said you are George E. Jones the Third, when you asserted your claim you signed it George E. Jones, Jr. But you are one and the same as junior and the third?

MR. MADDOX: I suspect that is a clerical error at my office that he didn't notice and I didn't notice either.

MR. HARMON: This is only for the purpose to make sure that he is the one that did that.

MR. MADDOX: You signed the claim in this case, right?

THE DEPONENT: I ain't sign no junior.

Q. (Mr. Harmon) If you would, look at this. This is a claim that was submitted by you. Is that your signature?

A. Yes, sir.

Q. That's good enough for me. I just

14

want to make sure and I just wanted to make sure it was identified. What's your current address?

A. 5304 W. Shades Valley Drive.

Q. And that would be West Shades Valley Drive?

A. Yes, sir.

Q. In what city is that located, please?

A. Montgomery, Alabama.

Q. What's your age, sir?

A. 29.

Q. Do you have your Alabama driver's license with you?

A. No, sir.

Q. Would you mind giving me your Social Security Number, please, sir.

A. 416-31-4836.

Q. Are you currently employed, Mr. Jones?

MR. MADDOX: Don't answer that. We are asserting the Fifth Amendment as to that.

MR. HARMON: Okay.

15

Q. (Mr. Harmon) Do you know an individual named Otis Jones?

A. Yes, sir.

Q. Is he a relative of yours?

A. No, sir.

Q. You have the same last name, but he's not a relative?

A. Huh-uh, no.

Q. I'm going to direct your attention, sir, to March the 31st of 2006. Were you present on that date at 5304 West Shades Valley Drive in Montgomery?

MR. MADDOX: We are going to assert the Fifth on that.

Q. (Mr. Harmon) Mr. Jones, as long as your attorney asserts it, you are agreeing with his assertion of the Fifth Amendment, is that correct?

A. Yes, sir.

Q. That's fine with me.

MR. MADDOX: And we are doing that in part because of the difficulty of communication back and forth because of his

16

visual impairment.

MR. HARMON: I understand.

Q. (Mr. Harmon) I will note for the record and not to embarrass you, Mr. Jones, but you are wearing an eye patch over your left eye. Are you blind in that eye?

A. Yes, sir.

Q. Was anyone else present with you at 5304 West Shades Valley Drive in Montgomery on that date?

MR. MADDOX: Besides objecting to that assuming the fact not in evidence, we assert the Fifth. I'm having a little fun with you.

MR. HARMON: I understand.

Q. (Mr. Harmon) Were you aware of any person other than yourself being at 5304 West Shades Valley Drive, Montgomery, Alabama on March the 31st of 2006?

MR. MADDOX: Fifth Amendment.

Q. (Mr. Harmon) Mr. Jones, were approached by officers on March 31st of 2006 at or about the area known as 5304 West Shades



17

1 Valley Drive, Montgomery, Alabama?

2 MR. MADDOX: Fifth Amendment.

3 If it saves you any time, we are not going to

4 talk about anything that happened that day.

5 HARMON: I understand.

6 I've got to go through and ask the individual

7 questions.

8 MR. MADDOX: I know.

9 Q. (Mr. Harmon) Did you flee from

10 police officers on that date?

11 MR. MADDOX: Fifth.

12 Q. (Mr. Harmon) Were you present

13 when police officers executed a search warrant

14 on 5304 West Shades Valley Drive in Montgomery

15 on that date?

16 MR. MADDOX: Fifth.

17 Q. (Mr. Harmon) Did police officers

18 find the Defendant's currency in the residence

19 at 5304 West Shades Valley Drive in Montgomery,

20 Alabama in the amount of seventy four thousand

21 seven hundred dollars on March the 31st, 2006?

22 MR. MADDOX: Fifth.

23 Q. (Mr. Harmon) Did police officers

18

1 find cocaine in the residence at 5304 West

2 Shades Valley Drive in Montgomery on March 31st,

3 2006?

4 MR. MADDOX: Fifth.

5 Q. (Mr. Harmon) Additionally, was

6 cocaine located in a truck that was physically

7 on the residence or lot thereof at 5304 West

8 Shades Valley Drive on March 31st, 2006?

9 A. I don't know.

10 Q. Did you make any statements to the

11 police officers at that time?

12 MR. MADDOX: Fifth.

13 Q. (Mr. Harmon) Did you in fact tell

14 police officers when asked about the money that

15 you stated: We all know what's going on, it's

16 dope money?

17 MR. MADDOX: Fifth.

18 Q. (Mr. Harmon) Did the police

19 officers find loaded weapons on that date March

20 the 31st, 2006 at the property known as 5304

21 West Shades Valley Drive, Montgomery, Alabama?

22 MR. MADDOX: Fifth.

23 Q. (Mr. Harmon) Was in fact the

19

1 Defendant's currency found in the bedroom you

2 occupied at the residence known as 5304 West

3 Shades Valley Drive in Montgomery, Alabama on

4 March 31st, 2006?

5 MR. MADDOX: Fifth. If you

6 have all of your questions written out, I'll

7 tell you which ones we are going to answer and

8 we will attach it.

9 MR. HARMON: I never write

10 them out, Bruce.

11 Q. (Mr. Harmon) Did officers recover

12 plastic packaging, which contained cocaine

13 residue under the bed in your bedroom at 5304

14 West Shades Valley Drive, Montgomery, Alabama on

15 March the 31st, 2006?

16 MR. MADDOX: Fifth.

17 Q. (Mr. Harmon) Mr. Jones, I'm going

18 to show you --

19 MR. HARMON: Bruce, I made you

20 a copy. This was probably also serve for

21 discovery. These are some pictures. I'm going

22 to ask, Bruce, that these be attached to the

23 deposition.

20

1 MR. MADDOX: That's fine.

2 Q. (Mr. Harmon) I'm going to ask

3 you, if you will Mr. Jones, look at what's been

4 marked for identification purposes as Government

5 Exhibit No. 1.

6 (WHEREUPON, a picture was

7 marked as Government's Exhibit No.

8 1 and is attached to the original

9 transcript.)

10 MR. MADDOX: Is that the

11 entire collection or just one picture?

12 MR. HARMON: Government

13 Exhibit No. 1 is the first picture.

14 MR. MADDOX: I got you.

15 Q. (Mr. Harmon) I'll ask you, sir,

16 is that a picture of currency that was seized

17 from your residence at 5304 West Shades Valley

18 Drive, Montgomery Alabama on March the 31st of

19 2006?

20 MR. MADDOX: Fifth.

21 Q. (Mr. Harmon) I ask you, sir, to

22 look at Government's Exhibit No. 2. It's a

23 photograph of plastic material and I ask you if

21  
1 this material was recovered from your residence  
2 at 5304 West Shades Valley Drive in Montgomery,  
3 Alabama on March the 31st, 2006?

4 (WHEREUPON, a picture was marked  
5 as Government's Exhibit No. 2 and  
6 is attached to the original  
7 transcript.)

8 MR. MADDOX: Fifth.

9 Q. (Mr. Harmon) I'd ask you also to  
10 take a look at Government's Exhibit No. 3, which  
11 shows a roughneck storage container and a  
12 plastic baggy and other items, and ask you if  
13 this item was recovered by police officers at  
14 your residence at 5304 West Shades Valley Drive  
15 in Montgomery on March 31st, 2006?

16 (WHEREUPON, a picture was marked  
17 as Government's Exhibit No. 3 and  
18 is attached to the original  
19 transcript.)

20 MR. MADDOX: Fifth.

21 Q. (Mr. Harmon) I'd ask you to look,  
22 sir, at Government's Exhibit No. 4, which is a  
23 picture of various bundles of currency and ask

22  
1 you if this was the currency that was recovered  
2 by police officers at your residence at 5304  
3 West Shades Valley Drive in Montgomery on March  
4 the 31st, 2006?

5 (WHEREUPON, a picture was marked  
6 as Government's Exhibit No. 4 and  
7 is attached to the original  
8 transcript.)

9 MR. MADDOX: Fifth.

10 Q. (Mr. Harmon) I further ask you to  
11 look at Government's Exhibit No. 5, which is  
12 again plastic material and ask you if these  
13 items as depicted therein were recovered by  
14 police officers at 5304 West Shades Valley Drive  
15 in Montgomery, Alabama on March the 31st of  
16 2006?

17 (WHEREUPON, a document was  
18 marked as Government's Exhibit No.  
19 5 and is attached to the original  
20 transcript.)

21 MR. MADDOX: Fifth.

22 Q. (Mr. Harmon) And the last picture  
23 is Government's Exhibit No. 6, which is a

23  
1 picture of a bag with a currency protruding  
2 very, very minutely there from by a bed and ask  
3 you if this item was recovered by a police  
4 officers at your residence at 5304 West Shades  
5 Valley Drive in Montgomery, Alabama on March the  
6 31st, 2006?

7 (WHEREUPON, a picture was marked  
8 as Government's Exhibit No. 6 and  
9 is attached to the original  
10 transcript.)

11 MR. MADDOX: Fifth.

12 Q. (Mr. Harmon) Mr. Jones, I ask you  
13 this question: Was the Defendant's currency  
14 obtained as a result of a sale of illegal drugs?

15 MR. MADDOX: What?

16 MR. HARMON: I asked was the  
17 Defendant's currency obtained by him as a result  
18 of the sale of illegal drugs.

19 MR. MADDOX: Fifth.

20 Q. (Mr. Harmon) I ask you, sir, have  
21 you ever sold any illegal drugs, Mr. Jones?

22 MR. MADDOX: Fifth.

23 Q. (Mr. Harmon) Have you ever

24  
1 possessed any illegal drugs with intent to sell  
2 these drugs?

3 MR. MADDOX: Fifth.

4 Q. (Mr. Harmon) Have you ever  
5 possessed a weapon to protect your property  
6 obtained by drug sales or the drugs themselves?

7 MR. MADDOX: Fifth.

8 Q. (Mr. Harmon) Have you ever kept  
9 any illegal drugs at the residence at 5304 West  
10 Shades Valley Drive in Montgomery, Alabama?

11 MR. MADDOX: Fifth.

12 Q. (Mr. Harmon) Have you ever sold  
13 any drugs at the residence at 5304 West Shades  
14 Valley Drive in Montgomery, Alabama?

15 MR. MADDOX: Fifth.

16 Q. (Mr. Harmon) Have you ever  
17 possessed with the intent to distribute any  
18 illegal drugs at the residence at 5304 West  
19 Shades Drive in Montgomery, Alabama?

20 MR. MADDOX: Fifth. Haven't  
21 you already asked that one?

22 MR. HARMON: I don't know.

23 MR. MADDOX: Okay, go ahead.

25

1 MR. HARMON: Bruce, I did I  
 2 guess I could ask you this: You indicated in  
 3 your statements that he currently has a case  
 4 pending?  
 5 MR. MADDOX: Uh-huh.  
 6 MR. HARMON: And this would be  
 7 a State Felony Charge in Circuit Court in  
 8 Montgomery?  
 9 MR. MADDOX: Uh-huh.  
 10 MR. HARMON: Can I ask him  
 11 about any prior drug arrests unrelated to this?  
 12 MR. MADDOX: Huh-uh.  
 13 MR. HARMON: I'll ask him and  
 14 you can assert the Fifth.  
 15 MR. MADDOX: Go ahead.  
 16 Q. (Mr. Harmon) Other than the  
 17 arrest on the current criminal case you have in  
 18 the Circuit Court in Montgomery, Alabama, have  
 19 you ever been arrested for a drug offense?  
 20 MR. MADDOX: Fifth.  
 21 Q. (Mr. Harmon) Have you ever been  
 22 convicted of a felony offense involving the sale  
 23 of illegal drugs?

26

1 MR. MADDOX: Fifth.  
 2 Q. (Mr. Harmon) Have you ever been  
 3 convicted of a misdemeanor offense involving the  
 4 sale of illegal drugs?  
 5 MR. MADDOX: Fifth.  
 6 Q. (Mr. Harmon) Have you ever been  
 7 convicted of a misdemeanor offense involving  
 8 possession of illegal drugs?  
 9 MR. MADDOX: Fifth. And by  
 10 the way, there is no misdemeanor involving the  
 11 sale of illegal drugs, as you well know.  
 12 MR. HARMON: Actually Bruce, I  
 13 don't know State that well.  
 14 MR. MADDOX: Weren't you an  
 15 Assistant Attorney General for the State of  
 16 Alabama?  
 17 MR. HARMON: Yeah, but that  
 18 was with the Department of Corrections,  
 19 though -- we just kept them in jail, we didn't  
 20 put them in.  
 21 Q. (Mr. Harmon) Have you ever been  
 22 convicted of a misdemeanor offense involving the  
 23 possession of drug paraphernalia?

27

1 MR. MADDOX: Fifth.  
 2 Q. (Mr. Harmon) Can you tell me any  
 3 legitimate source for these seized funds in the  
 4 amount of seventy four thousand seven hundred  
 5 dollars?  
 6 MR. MADDOX: Fifth.  
 7 MR. HARMON: Okay.  
 8 \*\*\*\*\*  
 9 2:24 PM  
 10 FURTHER DEPOSITION SAITH NOT  
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1 C E R T I F I C A T E  
 2  
 3 STATE OF ALABAMA )  
 4 MONTGOMERY COUNTY )  
 5 I hereby certify that the above and  
 6 foregoing deposition was taken down by me in  
 7 stenotype, and the questions and answers thereto  
 8 were transcribed by means of computer-aided  
 9 transcription, and that the foregoing represents  
 10 a true and correct transcript of the deposition  
 11 given by said witness upon said hearing.  
 12 I further certify that I am neither of  
 13 counsel nor of kin to the parties to the action,  
 14 nor am I in anywise interested in the result of  
 15 said cause.  
 16  
 17 SELAH M. DRYER, CSR  
 18  
 19  
 20 My Commission Expires  
 21 June 30, 2010  
 22  
 23